

AKIN GUMP STRAUSS HAUER & FELD LLP

GREGORY W. KNOPP (SBN 237615)
CHRISTOPHER K. PETERSEN (SBN 260631)

gknopp@akingump.com
cpetersen@akingump.com
2029 Century Park East, Suite 2400
Los Angeles, CA 90067
Telephone: (310) 229-1000
Facsimile: (310) 229-1001

Attorneys for Defendant,
Ernst & Young LLP

FOLKENFLIK & MCGERITY

MAX FOLKENFLIK
max@fmlaw.net
1500 Broadway, 21st Floor
New York, NY 10036
Telephone: (212) 757-0400
Facsimile: (212) 757-2010

DUCKWORTH PETERS LEBOWITZ OLIVER LLP

MONIQUE OLIVER (SBN 190385)
monique@dplolaw.com
100 Bush Street, Suite 1800
San Francisco, CA 94104
Telephone: (415) 433-0333
Facsimile: (415) 449-6556

Attorneys for Plaintiff
David Ho

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DAVID HO, on behalf of himself and
all others similarly situated and on
behalf of the general public, and
DOES # 1-20,

Plaintiffs,

v.

ERNST & YOUNG LLP,

Defendant.

Case No. CV05-4867 RMW (HRL)

**JOINT STIPULATION RE:
WITHDRAWAL OF DEFENDANT'S
BILL OF COSTS**

CEÖÁÜÖÖÜ

1 Plaintiff David Ho ("Plaintiff") and Defendant Ernst & Young LLP ("Defendant")
2 (collectively, the "Parties") through their attorneys of record, hereby agree and stipulate
3 as follows:

4 WHEREAS, the Court entered Judgment in favor of Defendant on December 17,
5 2012;

6 WHEREAS, Defendant filed a Bill of Costs on December 28, 2012;

7 WHEREAS, Plaintiff filed a Notice of Appeal on December 4, 2012 (the
8 "Appeal");

9 WHEREAS, the Parties have reached an agreement resolving the matters raised
10 in, and contemplating the withdrawal of, the Bill of Costs, and the Appeal;

11 WHEREAS, Defendant therefore wishes to withdraw the Bill of Costs with
12 prejudice, contingent on Plaintiff dismissing his Appeal with prejudice within fourteen
13 (14) calendar days of the Court's entry of its Order hereon.

14 THEREFORE, the parties STIPULATE AND AGREE:

15 (1) Defendant's Bill of Costs shall be withdrawn with prejudice and such costs
16 shall not hereafter be asserted to be costs for which Defendants may recover, subject to
17 Defendant having the right to revive the Bill of Costs if Plaintiff does not dismiss his
18 Appeal with prejudice within fourteen (14) calendar days of the Court's entry of its
19 Order hereon;

20 (2) Plaintiff will dismiss his Appeal with prejudice within fourteen (14)
21 calendar days of the Court's entry of its Order hereon;

22 ///

23 ///

24 ///

25 ///

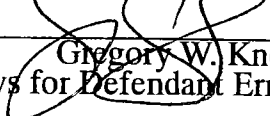
1 (3) Any revival of the Bill of Costs by Defendant in the event Plaintiff does not
2 timely dismiss the Appeal shall be made by notice to Plaintiff and the Court within
3 fourteen (14) calendar days after Plaintiff's deadline to dismiss the Appeal.

4 (4) The Parties acknowledge and agree that the amounts reflected on the Bill of
5 Costs were not approved by the Clerk of the Court or by the Court which had discretion
6 over whether to award the Defendants any amount of costs and, if any amount would be
7 awarded, the amount to be awarded. The Parties agree that until such an order is
8 entered, the amounts included in the Bill of Costs do not represent a debt from Plaintiff
9 to Defendants.

10
11 **IT IS SO STIPULATED.**

12
13 Dated: January 10, 2013

AKIN GUMP STRAUSS HAUER &
FELD LLP

14
15 By 
16 Gregory W. Knopp
17 Attorneys for Defendant Ernst & Young
LLP

18 Dated: January 10, 2013

FOLKENFLIK & MCGERITY

19
20 By 
21 Max Folkenflik
22 Attorneys for Plaintiff David Ho
23
24
25
26
27
28

AKIN GUMP STRAUSS HAUER & FELD LLP

GREGORY W. KNOPP (SBN 237615)

CHRISTOPHER K. PETERSEN (SBN 260631)

gknopp@akingump.com

cpetersen@akingump.com

2029 Century Park East, Suite 2400

Los Angeles, CA 90067

Telephone: (310) 229-1000

Facsimile: (310) 229-1001

Attorneys for Defendant,

Ernst & Young LLP

FOLKENFLIK & MCGERITY

MAX FOLKENFLIK

max@fmlaw.net

1500 Broadway, 21st Floor

New York, NY 10036

Telephone: (212) 757-0400

Facsimile: (212) 757-2010

DUCKWORTH PETERS LEBOWITZ OLIVER LLP

MONIQUE OLIVER (SBN 190385)

monique@dplolaw.com

100 Bush Street, Suite 1800

San Francisco, CA 94104

Telephone: (415) 433-0333

Facsimile: (415) 449-6556

Attorneys for Plaintiff

David Ho

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DAVID HO, on behalf of himself and
all others similarly situated and on
behalf of the general public, and
DOES # 1-20,

Plaintiffs,

v.

ERNST & YOUNG LLP,

Defendant.

Case No. CV05-4867 RMW (HRL)

~~PROPOSED~~ ORDER RE:
WITHDRAWAL OF DEFENDANT'S
BILL OF COSTS

1 The Court having read and considered the Parties Joint Stipulation re: Withdrawal
2 of Defendant's Motion for Attorney's Fees and Bill of Costs, and good cause appearing,
3 THEREFORE:

4 IT IS HEREBY ORDERED:

5 (1) Defendant's Bill of Costs shall be withdrawn with prejudice, subject to
6 Defendant having the right to revive the Bill of Costs if Plaintiff does not dismiss his
7 Appeal with prejudice within five (5) days of the Court's entry of its Order hereon;

8 (2) Any revival of the Bill of Costs by Defendant in the event Plaintiff does not
9 timely dismiss the Appeal shall be made by notice to Plaintiff and the Court within five
10 (5) days after Plaintiff's deadline to dismiss the Appeal.

11
12 IT IS SO ORDERED.

13 Dated: FEB 1 2013
14


15 Ronald M. Whyte
16 United States District Judge
17
18
19
20
21
22
23
24
25
26
27
28